

COUNTY OF FAIRFAX, VIRGINIA

VARIANCE RESOLUTION OF THE BOARD OF ZONING APPEALS

ROBERT F. BALDWIN, JR. AND ANNE G. BALDWIN, VC 2013-MV-012 Appl. under Sect(s). 18-401 of the Zoning Ordinance to permit greater than 30 percent rear yard coverage. Located at 1901 Belfield Rd., Alexandria, 22307, on approx. 11,071 sq. ft. of land zoned R-4 and HC. Mt. Vernon District. Tax Map 83-4 ((3)) (2) 11. (Concurrent with SP 2013-MV-059). (Admin. moved from 10/30/13 at appl. req.) Mr. Hammack moved that the Board of Zoning Appeals adopt the following resolution:

WHEREAS, the captioned application has been properly filed in accordance with the requirements of all applicable State and County Codes and with the by-laws of the Fairfax County Board of Zoning Appeals; and

WHEREAS, following proper notice to the public, a public hearing was held by the Board on November 6, 2013; and

WHEREAS, the Board has made the following findings of fact:

1. The applicants are the owners of the land.
2. The applicant has satisfied the conditions set forth in Subsection 2 of the Ordinance, specifically, set forth in A through G.
3. This house is a corner lot.
4. It has three (sic) front yards, actually no side yards, according to the plat.
5. Even though the 30 percent requirement, minimum yard required, is slightly over the 30 percent, being at 37 percent, under the definition of the front yards, the backyard is left with a tiny area of 766 square feet, which is unusual.
6. In addition, in that part of the lot, there are converging side yard/rear yard lines that further minimize the amount of area that can be computed to determine the 30 percent minimum rear yard requirement.
7. This satisfies the subsection that this lot meets either exceptional narrowness or an exception shape or an extraordinary condition to the extent that it satisfies the requirements for granting the variance.
8. Further, this application satisfies Condition 3, that the situation of the subject property or intended use is not so general or recurring a nature to make reasonably practical the formulation of a general regulation.
9. The strict application of the Ordinance would produce undue hardship.
10. It further meets the other standards down through Number 9.

This application meets all of the following Required Standards for Variances in Section 18-404 of the Zoning Ordinance:

1. That the subject property was acquired in good faith.
2. That the subject property has at least one of the following characteristics:
 - A. Exceptional narrowness at the time of the effective date of the Ordinance;
 - B. Exceptional shallowness at the time of the effective date of the Ordinance;

- C. Exceptional size at the time of the effective date of the Ordinance;
 - D. Exceptional shape at the time of the effective date of the Ordinance;
 - E. Exceptional topographic conditions;
 - F. An extraordinary situation or condition of the subject property, or
 - G. An extraordinary situation or condition of the use or development of property immediately adjacent to the subject property.
- 3. That the condition or situation of the subject property or the intended use of the subject property is not of so general or recurring a nature as to make reasonably practicable the formulation of a general regulation to be adopted by the Board of Supervisors as an amendment to the Zoning Ordinance.
 - 4. That the strict application of this Ordinance would produce undue hardship.
 - 5. That such undue hardship is not shared generally by other properties in the same zoning district and the same vicinity.
 - 6. That:
 - A. The strict application of the Zoning Ordinance would effectively prohibit or unreasonably restrict all reasonable use of the subject property, or
 - B. The granting of a variance will alleviate a clearly demonstrable hardship as distinguished from a special privilege or convenience sought by the applicant.
 - 7. That authorization of the variance will not be of substantial detriment to adjacent property.
 - 8. That the character of the zoning district will not be changed by the granting of the variance.
 - 9. That the variance will be in harmony with the intended spirit and purpose of this Ordinance and will not be contrary to the public interest.

AND WHEREAS, the Board of Zoning Appeals has reached the following conclusions of law:

THAT the applicant has satisfied the Board that physical conditions as listed above exist which under a strict interpretation of the Zoning Ordinance would result in practical difficulty or unnecessary hardship that would deprive the user of reasonable use of the land and/or buildings involved.

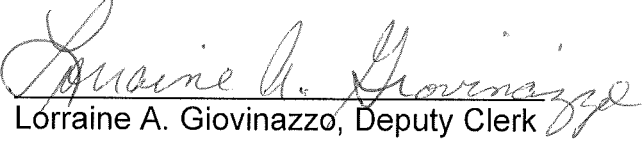
NOW, THEREFORE, BE IT RESOLVED that the subject application is **APPROVED** with the following limitations:

- 1. This variance is approved for the 37.3% percent rear yard coverage on the property as shown on the plat titled "Plat, Showing the Improvements on Lot 11, Block 2, Section 1, Belle Haven," prepared by George M. O'Quinn of Dominion Surveyors Inc., dated December 20, 2011 and revised through April 2, 2013, as submitted with this application and is not transferable to other land.

This approval, contingent upon the above-noted conditions, shall not relieve the applicant from compliance with the provisions of any applicable ordinances, regulations or adopted standards including requirements for building permits.

Mr. Byers and Mr. Beard seconded the motion, which carried by a vote of 7-0.

A Copy Teste:


Lorraine A. Giovinazzo, Deputy Clerk
Board of Zoning Appeals